

IN THE CLAIMS: See Listing of Claims. This listing will replace all prior versions of claims in the application.

REMARKS

The Applicants acknowledge the Examiner's comprehensive Office Action with appreciation. The Office maintains the previously issued Restriction Requirement. The Office also indicates that Claim 15 has been rejoined. Claims 1-20 remain pending in the application; however, Claims 17-20 have been withdrawn as a result of the Restriction Requirement. The Office raises a rejection under 35 USC § 112, second paragraph.

Claim 1 is rejected for indefiniteness under 35 USC 35 USC § 112, second paragraph, based on the definition of R'. It is the position of the Office that the definition of R' is not clear and that this definition should be amended to replace the commas within the definition of R' with semicolons. With the instant Amendment, Claim 1 has been amended to comply with the Office suggestion. Reconsideration and withdrawal of the indefiniteness rejection is respectfully requested.

With regard to method Claims 17-20, the Office states that "the inventions of claims 17-20 do not meet the requirements of 35 USC § 112, second paragraph, as such, these claims will not be rejoined."

The Applicants respectfully submit that those skilled in the art recognize that compounds with good melatoninergetic receptor binding affinity have a wide range of therapeutic indications. The compounds of the invention have been found to have very good receptor binding affinity for melatonin receptors as well as activity in several *in vivo* models (see Pharmacological Examples B-F, at pages 27-31 of the instant specification). Based on the disclosed activity, the compounds of the present invention are potent candidates for the treatment of disorders in which the melatoninergetic system is involved.

Moreover, with this Response and Amendment, the Applicants provide a Declaration by Dr. Philippe DELAGRANGE, a scientist skilled in this particular art, which speaks

to the correlation between melatonergic receptor binding affinity and the treatment of specific disease states. Specifically, the Declarant provides a review of published literature demonstrating that those skilled in the art understand that compounds which possess potent binding affinity at the melatonergic receptors have a definite and positive utility in the treatment of stress, sleep disorders, anxiety, seasonal affective disorders, cardiovascular pathologies, pathologies of the digestive system, insomnia and fatigue due to jetlag, schizophrenia, panic attacks, melancholia, appetite disorders, obesity, insomnia, pain, psychotic disorders, epilepsy, diabetes, Parkinson's disease, senile dementia, disorders associated with normal or pathological aging, migraine, memory loss, Alzheimer's disease, cerebral circulation disorders, sexual dysfunctions, and cancer. Consequently, the applicants submit that the compounds are enabled with respect to the treatment of the above-mentioned conditions.

Therefore, Claim 17 has been amended to replace the phrase "disorders of the melatonergic system" with "a disorder of the melatonergic system selected from stress, sleep disorders, anxiety, seasonal affective disorders, cardiovascular pathologies, pathologies of the digestive system, insomnia and fatigue due to jetlag, schizophrenia, panic attacks, melancholia, appetite disorders, obesity, insomnia, psychotic disorders, epilepsy, diabetes, Parkinson's disease, senile dementia, disorders associated with normal or pathological aging, migraine, memory loss, Alzheimer's disease, cerebral circulation disorders, sexual dysfunctions, and cancer." Support for this Amendment may be found at page 10 of the instant specification.

Thus, the applicants submit that the instant invention is enabled with respect to the treatment of the specific conditions claimed. Rejoinder of method Claim 17 is respectfully requested.

With the instant Amendment, Claims 18, 19, and 20, directed to non-elected subject matter, have been cancelled without prejudice to the prosecution of the cancelled subject matter in a Divisional Application.

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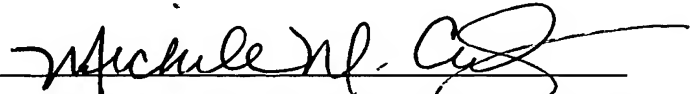
Accordingly, entry of present amendment and the DELAGRANGE Declaration, rejoinder of method Claim 17, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned agent has made an earnest effort to place this application into condition for immediate allowance. If she can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call her at her below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

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Enclosure: DELAGRANGE Declaration and Accompanying References; Form PTO-1449; Listing of Claims; and Postal Card Receipt

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.